

REMARKS

Applicants submit this Amendment, in reply to the Office Action mailed March 21, 2007. In this Amendment, Applicants have amended claims 1-3, 9-11, 13, 15, 16, 19, 21, 34, 36, 37, 45, 49, 51, and 52 to more appropriately define their invention.

Applicants have also canceled claims 5-7, 12, 14, 17, 18, 32, and 33 without prejudice or disclaimer. Claims 1-4, 8-11, 13, 15, 16, 19-31, and 34-52 are currently pending in this application.

In the Office Action, the Examiner objected to claims 36 and 52 for allegedly lacking antecedent basis; rejected claims 19 and 20 under 35 U.S.C. § 112, second paragraph; and rejected claims 1-18, 21-33, and 36-52 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,389,058 to Cadwell ("Cadwell"). The Examiner also indicated that claims 19, 20, 34, and 35 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

At the outset, Applicants gratefully acknowledge the Examiner's indication of allowable subject matter in claims 19, 20, 34, and 35. Applicants note that claims 19 and 34 have been amended to include the limitations of their respective base claims and intervening claims. More specifically, claim 19 has been amended to include the limitations of claims 1, 17, 18 and claim 34 has been amended to include the limitations of claims 21, 32, 33. Accordingly, Applicants respectfully request that claims 19 and 34 be allowed. Applicants also ask that claims 20 and 35 be allowed in view of their dependence from claims 19 and 34, which are in condition for allowance.

Claim Objections Based on Lack of Proper Antecedent Basis

The Examiner objected to claims 36 and 52 because the terms “a second linkage mechanism” and “a second handle member” are out of sequence because no first linkage or first handle are recited prior and therefore lack proper antecedent basis. Applicants submit that these claim objections have been rendered moot by Applicants’ amendment of claims 36 and 52. Accordingly, Applicants respectfully ask the Examiner to withdraw these claim objections.

Claim Rejections Under 35 U.S.C. § 112, second paragraph

The Examiner rejected claims 19 and 20 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully submit that this rejection has been rendered moot by Applicants’ amendment of claim 19. Thus, Applicants ask the Examiner to withdraw this rejection.

Claim Rejections Under 35 U.S.C. § 102(b)

Applicants respectfully traverse the rejection of claims 1-18, 21-33, and 36-52 under 35 U.S.C. § 102(b) as being anticipated by Cadwell. In order to properly establish that Cadwell anticipates Applicants’ claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Cadwell does not disclose each and every element of pending independent claims 1, 21, 36, 45, and 52, in their present form. Regarding amended claim 1, for example, Applicants note that claim 1 has been amended to include the subject matter of canceled claims 5-7. Cadwell fails to disclose several elements of amended claim 1. The Examiner contends that Cadwell discloses a "lifting system that is attached to the hitch mechanism (figure 9 and 10) having a first end of an intermediate mechanism (second linkage mechanism) attached to a raise/lower member 148 that includes leg portions and a horizontal member and the second end of the intermediate mechanism attached to a control having a handle member 14." (Office Action at 3.) It is unclear, however, which structures disclosed in Cadwell the Examiner refers to as the "intermediate mechanism." The only structure disclosed in Figs. 9 and 10 of Cadwell that is connected to both a raise/lower member and a control, as characterized by the Examiner, is element 18, referred to in Cadwell as a lift arm. The Examiner further contends that "the intermediate mechanism includes a handle member [14] that is attached to at least one link member having a pair of linkage bars 18, 20 and include various openings (at pivot points) and shows an attachment mechanism (at pivot points) which are secured by means of bolt and nut as best shown in (figure 14)." (Id.) Based on the discussion above, Applicants disagree. The intermediate mechanism (18), as identified by the Examiner, includes a handle 14, however the handle is not "attached to at least one link member having a pair of linkage bars 18, 20." (See Figs. 9 and 10). The handle 14 is attached to the control on one end and directly to the intermediate mechanism (18) on the other end. Moreover, the Examiner identifies a pair of linkage bars by reference numerals 18 and 20, which is inconsistent with the Examiner's

characterization of the intermediate mechanism as reference numeral 18 based on Figs. 9 and 10 of Cadwell.

Accordingly, Cadwell does not disclose “an intermediate mechanism, attached to the raise/lower member at a first end and attached to a control at a second end . . . wherein the intermediate mechanism includes at least a link member and a first attachment mechanism, wherein the link member includes a pair of linkage bars . . . and wherein the link member is attached with the handle member,” as recited in amended claim 1. As discussed above, Cadwell does not disclose a intermediate mechanism having a link member with a pair of linkage bars, wherein the link member is attached to a handle. Accordingly, Cadwell also does not disclose “wherein the link member is attached with the handle member by inserting the first bolt through the first opening of each of the pair of linkage bars and the opening of the handle member, and then securing the first bolt with the first nut,” as recited in amended claim 1. In fact, Cadwell teaches away from such a structure. The linkage bars 18, 20, as identified by the Examiner, disclosed in Cadwell are separated by a horizontal bar (see Figs. 5 and 14) such that a handle member could not be attached to both linkage bars by securing a single bolt and nut through a single opening extending through both linkage bars and the handle member. Thus, for at least the reasons discussed above, amend claim 1 is allowable over Cadwell.

Dependent claims 2-4, 8-11, 13, 15, and 16 ultimately depend from allowable amended claim 1 and therefore, are allowable for at least the reasons discussed above for claim 1 and further in view of their additional recitations of novel subject matter. Amended claim 9, for example, is allowable over Cadwell, because Cadwell does not

disclose “wherein the intermediate mechanism includes a second attachment mechanism, wherein each of the pair of linkage bars is provided with a second opening proximal to a lower end thereof . . . wherein the link member is attached with the raise/lower member by inserting the second bolt through the second opening of each of the pair of linkage bars and the opening of the first lever member, and then securing the second bolt with the second nut,” as recited in amended dependent claim 9. As discussed above, the linkage bars 18, 20 disclosed in Cadwell are incapable of being attached to one another and a lever member through an opening extending through both linkage bars and the lever member. Accordingly, for at least this additional reason, amended claim 9 is allowable over Cadwell.

Regarding amended independent claim 21, Applicants submit that Cadwell does not disclose each and every element of this claim. Cadwell does not disclose “the hitch mechanism . . . [having] a first linkage mechanism for linking the first handle member and the coupling member, wherein the first handle member raises and lowers the coupling member” and “the lifting system . . . [having] a second linkage mechanism, attached to the raise/lower member at a first end and attached to the second handle member at a second end . . . wherein the second handle member raises and lowers the raise/lower member,” as recited in amended claim 21. In fact, the Examiner has not identified similar structures disclosed in Cadwell. In particular, the Examiner has not identified in Cadwell and cannot identify a “second linkage mechanism” or a “second handle member” as recited in amended claim 21. Thus, for at least this reason, amended independent claim 21 is allowable over Cadwell. Accordingly, claims 22-31

are allowable at least due to their dependence from allowable independent claim 21 and in view of their additional recitations of novel subject matter.

Regarding amended independent claim 36, Applicants submit that Cadwell does not disclose each and every element of this claim. Cadwell does not disclose “causing the member to engage and support the tongue by manipulating a second handle member, which is attached to the second linkage mechanism at a second end,” as recited in amended independent claim 36. As discussed above regarding claim 21, Cadwell does not disclose a “second linkage mechanism” or a “second handle member” as recited in amended claim 36. Nor does Cadwell disclose manipulating a second handle member to engage and support the tongue, as further recited in amended independent claim 36. Thus, for at least this reason, amended independent claim 36 is allowable over Cadwell. Accordingly, claims 37-44 are allowable at least due to their dependence from allowable independent claim 36 and in view of their additional recitations of novel subject matter.

Regarding amended independent claim 45, Applicants submit that Cadwell does not disclose each and every element of this claim. Cadwell does not disclose “wherein the hitch mechanism comprises a movable first handle member, the coupling member, and a first linkage mechanism . . . [and] wherein the lifting system comprises a movable second handle member, a raise/lower member, and a second linkage mechanism,” as recited in amended independent claim 45. As discussed above regarding claim 21, Cadwell does not disclose a “second linkage mechanism” or a “movable second handle member” as recited in amended claim 45. Thus, for at least this reason, amended independent claim 45 is allowable over Cadwell. Accordingly, claims 46-51 are

allowable at least due to their dependence from allowable independent claim 45 and in view of their additional recitations of novel subject matter.

Regarding amended independent claim 52, Applicants submit that Cadwell does not disclose each and every element of this claim. Cadwell does not disclose “lowering the raise/lower member by manipulating a second handle member, which is attached to the second linkage mechanism at a second end, thereby also lowering the dolly tongue,” as recited in amended independent claim 52. As discussed above, Cadwell does not disclose a “second linkage mechanism” or a “second handle member” as recited in amended claim 52. Nor does Cadwell disclose manipulating a second handle member to lower the dolly tongue, as further recited in amended independent claim 52. Thus, for at least this reason, amended independent claim 52 is allowable over Cadwell.

Claim Scope

In discussing the specification, claims, and drawings in this Amendment, it is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicants believe that Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.


Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 21, 2007

By: _____


Aaron L. Parker
Reg. No. 50,785